United Nations A/58/140–S/2003/707

General Assembly
Security Council

Distr.: General
11 July 2003

Original: English

General Assembly
Fifty-eighth session
Item 54 of the preliminary list*
Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Security Council
Fifty-eighth year

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and to the members of the Security Council the eighth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, submitted by the President of the International Tribunal for Rwanda in accordance with article 32 of its statute (see Security Council resolution 955 (1994), annex), which states:

> "The President of the International Tribunal for Rwanda shall submit an annual report of the International Tribunal for Rwanda to the Security Council and to the General Assembly."

* A/58/50/Rev.1 and Corr.1.

03-42842 (E) 040903

Eighth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

For the period from 1 July 2002 to 30 June 2003

Part One
Overview

1. The present report reviews the work of the International Criminal Tribunal for Rwanda (ICTR) from 1 July 2002 to 30 June 2003, the last year of the Tribunal's second mandate. During that period, nine trials, involving 23 accused, have been conducted. Judgements have been delivered in three cases, involving four accused (*Elizaphan Ntakirutimana and Gérard Ntakirutimana*; *Eliézer Niyitegeka*; *Laurent Semanza*). As a result, by 30 June 2003, 11 judgements, involving 13 accused, have been delivered since the Tribunal started its activities. Of these 13 accused, 12 have been convicted and one acquitted. In four trials involving 8 accused, the presentation of evidence has been completed and closing arguments are to be heard in July and August 2003 (*Cyangugu case*; *Kajelijeli case*; *Kamuhanda case*; *Media case*). Judgements in these four trials are expected in the last months of 2003, bringing the total number of judgements during the second mandate to nine, involving 14 accused. This is twice the number of accused who have been tried compared to the first mandate (1995-1999). Consequently, it is expected that, by the end of 2003, the Tribunal will have rendered 15 judgements, involving 21 accused, since the first trials started in January 1997 (following the arrival of the first accused in Arusha in the middle of 1996).[1] Two trials involving 10 accused are in progress ("*Butare case*"; "*Military case*").

2. In connection with the nine trials in progress during the review period, the three Trial Chambers have ruled on 293 motions and issued scheduling orders. Moreover, the Chambers have supervised pre-trial preparation in 21 cases, involving 31 accused. These pre-trial activities have resulted in 39 decisions on motions as well as hearings dealing with initial appearances, confirmation of indictments and status conferences.

3. In addition to the 13 accused who have received judgement, the proceedings against the eight accused that are at the stage of closing arguments and the 10 accused whose trials are in progress (see para. 1 above), 31 accused are awaiting trial at the Tribunal's detention facilities. The Tribunal has made preparations to ensure the early commencement of new trials during its third mandate (from May 2003). A new Trials Committee was established, composed of representatives from the Chambers, the Prosecution and the relevant sections in the Registry (Court Management Section; Language Services Section, Defence Counsel Management Section) in order to ensure the necessary coordination. It is anticipated that four new

trials, involving 10 accused, will have commenced by the end of 2003. By that time, 31 accused will have had their trials completed or they will be in progress. Of the remaining 21 detainees, one was apprehended in 1999. His trial is expected to start in 2004. The other detainees have been in custody at ICTR as follows: four accused since 2000; five accused since 2001; 10 accused since 2002; one accused since 2003. The Tribunal is anxious to start trials involving these accused as soon as its judicial capacity allows it to do so.

4. Previous annual reports have described the challenges facing the ad hoc Tribunals, including: the complexity of the cases; the need for voluminous disclosure and translation of documents; transport of witnesses from all parts of the world; unavailability of witnesses; and the need to interpret testimony between English, French and Kinyarwanda. These factors contribute to the fact that trials at ICTR are more time-consuming than trials conducted at the national level. During the period under review, ICTR has continued its efforts to avoid needless consumption of time. At the pre-trial stage, most motions are decided on briefs, thereby saving time and the costs connected with the obtaining and travel expenses of defence counsel to attend oral hearings. When feasible, such decisions are made by a single judge instead of three judges. During trials, many motions are dealt with orally, a procedure that saves time spent on the drafting of written decisions and reduces the need for translation, as such decisions are interpreted in the court room. An important step forward was the achievement of simultaneous interpretation from Kinyarwanda into English and French in all three Chambers, which takes about 25 per cent less time than consecutive translation.

5. During the period under review, the Appeals Chamber has delivered two appeal judgements on the merits (*Bagilishema*; *Rutaganda*), six interlocutory appeal decisions and 19 other decisions and orders. One appeal on the merits is under consideration (*Elizaphan and Gérard Ntakirutimana*). Notices of appeal have been filed in respect of two trial judgements (*Eliézer Niyitegeka*; *Laurent Semanza*).

6. Two plenary sessions have been held during the period under review: on 5 and 6 July 2002, and on 26 and 27 May 2003. During these meetings, the judges adopted several changes to the Rules of Procedure and Evidence in order to facilitate the proceedings. Important changes include the possibility of suspending an indictment if the case is transferred to a national jurisdiction (Rule 11bis); the continuation of a trial, under certain conditions, with a substitute judge if a judge dies, falls ill, resigns or is not re-elected (Rule 15bis); the insertion of a plea agreement procedure (Rule 62bis); and limitation of cross-examination (Rule 90). As part of the Appeals Chamber reform plan, several amendments to the rules relating to appeals were adopted. At the administrative level, Rule 23bis created a Coordination Council, composed of the President, the Prosecutor and the Registrar, to facilitate coordination of the activities of the three organs of ICTR. According to Rule 23ter, a Management Committee, composed of the President, the Vice-President, an elected judge and the Registrar, will assist the President in his supervisory functions concerning, in particular, all Registry activities relating to the administrative and judicial support provided to the Chambers and the judges.

7. Following a request from the Tribunal on 9 July 2001, the Security Council adopted, on 14 August 2002, resolution 1431 (2002), which enabled the creation of a pool of 18 ad litem judges at ICTR. The purpose of the reform, which follows a similar Security Council resolution for the International Tribunal for the Former

Yugoslavia (ICTY) in 2000, is to increase the Tribunal's judicial capacity.[2] On 29 April 2003, the Security Council forwarded the nominations received by the Secretary-General to the General Assembly. The election of the ad litem judges took place on 25 June 2003.

8. The arrival of the ad litem judges will enable a Trial Chamber to split into two sections, each including permanent and ad litem judges. Unfortunately, the Security Council resolution for ICTR only allows the use of four ad litem judges at any one time. This is a very low number, which reduces the effect of the reform, and the figure of four makes the division into sections difficult. In practical terms, it means that ICTR will normally be able to establish only four sections, given the total number of nine permanent and four ad litem judges. By comparison, ICTY was given the opportunity to use nine ad litem judges at any one time. This solution enables the establishment of six sections. In order to ensure a timely completion of the ICTR's mandate, it is important to increase the number of ad litem judges as soon as possible. When a Chamber is split into sections, the judges will operate in shifts with morning and afternoon sessions. A test project with sessions from 8.00 to 13.00 and 14.00 to 19.30 was carried out successfully in October 2002.

9. The Prosecution has continued to implement its strategy in investigating new cases, preparing cases for trial, conducting trials and conducting appeals proceedings. The Prosecution has been conducting 26 ongoing investigations. The resulting 26 new indictments, which the Prosecutor intends to submit for confirmation by the end of 2004, will conclude her investigation programme. It is expected that the actual number of persons brought to trial will be less than 26, as some of the suspects could be dead or may not have been found.

10. The Prosecution has also identified 40 suspects whose prosecution it intends to defer to national jurisdictions. Of these persons, 15 are in countries that have adopted the principle of universal jurisdiction, which means that they could be tried there. The cases of 25 other suspects, who allegedly did not occupy high positions of responsibility during the events of 1994, could be transferred to the Rwandan authorities, provided that the death penalty is not imposed. In order to facilitate deferral of cases to national jurisdictions, a new provision, Rule 11bis, similar to a rule of ICTY, was adopted during the twelfth plenary session of the Tribunal in July 2002 (see para. 6 above).

11. Based on the premise that 31 accused will have had their trials completed or in progress at the end of 2003 and that 21 detainees will then be awaiting trial, as well as the Prosecution's revised investigation programme, ICTR is currently preparing its completion strategy, which will be communicated to the relevant United Nations organs in the near future.

12. The post of Deputy Prosecutor, which was vacant for over a year, was filled in January 2003. The Deputy Prosecutor is now based at the seat of ICTR in Arusha, where the trials are held, although he frequently visits Rwanda. The vacant post of Chief of Prosecution, also based in Arusha, was filled on 24 February 2003. It is expected that these developments will facilitate further progress.

13. The Registry has undergone organizational changes and movements of personnel during the period under review. The General Legal Services Section has been transferred to the Administrative Support Services Division, and the Language Services Section has been placed under Legal and Judicial Services Division. The

purpose of these reforms is to strengthen the Registrar's capacity to provide judicial and administrative support to the Chambers, the Prosecution and the Defence. An External Relations and Strategic Planning Section has been established to enhance the cooperation between ICTR and Governments, international organizations and non-governmental organizations (NGOs).

14. The Tribunal continues to receive a large number of visits by delegations and individuals from Governments, parliaments, various organizations, NGOs and academics. Briefings have been provided for more than 1,300 persons, who, as part of 116 official delegations, have visited the Tribunal during the period under review. This year the President of Finland honoured the Tribunal with her visit. The President and the Registrar encourage visits to ICTR by Rwandan professionals and Government officials.

Part Two
Specific information

I. Office of the President

15. From 31 May 2001 until 26 May 2003, Judge Navanethem Pillay (South Africa) served as President of the Tribunal and Judge Erik Møse (Norway) as Vice-President. On 26 May 2003, Judge Erik Møse (Norway) was elected as the new President and Judge Andrésia Vaz (Senegal) as the new Vice-President.

II. The Chambers

16. The Chambers are composed of 16 independent judges, with three judges serving in each of the three Trial Chambers, and seven judges serving in the Appeals Chamber. The Appeals Chamber is composed of five of its seven members when sitting on appeal or review. The terms of office of 11 judges expired on 24 May 2003. On 31 January 2003, the General Assembly elected 11 permanent judges. Seven judges have been re-elected. They are, in alphabetical order: Asoka de Zoysa Gunawardana (Sri Lanka); Mehmet Güney (Turkey); Erik Møse (Norway); Arlette Ramaroson (Madagascar); William Hussein Sekule (United Republic of Tanzania); Andrésia Vaz (Senegal); and Lloyd George Williams QC (Saint Kitts and Nevis). The 4 newly elected judges were: Mansoor Ahmed (Pakistan); Sergei Alekseevich Egorov (Russian Federation); Jai Ram Reddy (Fiji); and Inés Mónica Weinberg de Roca (Argentina). Judge Mansoor Ahmed resigned before taking up office. Efforts are under way to fill this judicial vacancy.

17. The terms of office of Judges Pillay, Ostrovsky, Dolenc and Maqutu came to an end on 24 May 2003. All four judges are involved in trials that have to be completed. On 24 March 2003, the Tribunal requested the extension of the terms of office of the four outgoing judges in order for them to complete their work in the cases they are engaged. On 19 May 2003, the Security Council decided that the terms of office of all four judges would be extended to enable them to finish the *Kajelijeli, Kamuhanda* and *Media* cases before the end of December 2003 and the *Cyangugu* case before the end of February 2004.[3]

18. The Chambers are comprised as follows:

(a) Trial Chamber I (until 24 May 2003): Judge Navanethem Pillay (South Africa), presiding; Judge Erik Møse (Norway) and Judge Andrésia Vaz (Senegal). After 4 June 2003: Judge Erik Møse (Norway), presiding; Judge Jai Ram Reddy (Fiji) and Judge Sergei Alekseevich Egorov (Russia);

(b) Trial Chamber II (until 24 May 2003): Judge William Hussein Sekule (United Republic of Tanzania), presiding; Judge Winston Churchill Matanzima Maqutu (Lesotho) and Judge Arlette Ramaroson (Madagascar). After 4 June 2003: Judge William Hussein Sekule (United Republic of Tanzania), presiding; Judge Asoka de Zoysa Gunawardana (Sri Lanka) and Judge Arlette Ramaroson (Madagascar);

(c) Trial Chamber III (until 24 May 2003): Judge Lloyd George Williams QC (Saint Kitts and Nevis), presiding; Judge Pavel Dolenc (Slovenia) and Judge Yakov Arkadievich Ostrovsky (Russian Federation). After 4 June 2003: Judge Lloyd George Williams QC (Saint Kitts and Nevis), presiding; Judge Andrésia Vaz (Senegal) and because of a judicial vacancy (see para. 16 above), Judge Sergei Alekseevich Egorov (Russian Federation) on a temporary basis;

(d) The Appeals Chamber: Judge Theodore Meron (United States of America) presiding since 11 March 2003; Judge Mohamed Shahabuddeen (Guyana), Judge Claude Jorda (France), presiding until 11 March 2003, Judge Fausto Pocar (Italy), Judge Mehmet Güney (Turkey), Judge Asoka de Zoysa Gunawardana (Sri Lanka) and Judge David Hunt (Australia). Judge Inés Mónica Weinberg de Roca (Argentina) has replaced Judge Asoka de Zoysa Gunawardana since 4 June 2003.

A. Trial Chamber I

19. During the period under review, Trial Chamber I has conducted proceedings in three cases, involving six accused. Court sessions were held for a period of 87 days in the *Media* case, which has been twin-tracked with another trial: the *Ntakirutimana* case, involving two accused persons (on 3 court days during the period under review), and subsequently with the *Niyitegeka* case (28 court days in total).

The Prosecutor v. Jean-Bosco Barayagwiza (ICTR-97-19-T), Ferdinand Nahimana (ICTR-96-11-T) and Hassan Ngeze (ICTR-97-27-T), referred to as the "Media case"

20. The Prosecution closed its case on 12 July 2002 after calling 47 witnesses, including five expert witnesses and two investigators, and after tendering a large number of documents as trial exhibits. The defence case commenced on 16 September 2002 and was closed on 9 May 2003. In the period under review, there were 83 trial days, of which 71 days were utilized for the presentation of the defence case. The closing arguments are scheduled to be heard from 18 to 22 August 2003.

21. Ferdinand Nahimana testified in his own defence and also called 13 witnesses, including an expert witness to testify on his behalf. Hassan Ngege also testified and called 31 witnesses, including an expert witness. During the period under review the Prosecution tendered 85 documents as exhibits and the Defence 349 documents as exhibits. Between 1 July 2002 and 15 March 2003, the *Media* case generated 10,650 pages of transcripts in the English version and 16,000 pages of transcripts in the French version. By the end of June 2003, there were approximately 3,549 additional

pages of transcripts in English and approximately 5,000 additional pages of transcripts in French. During the period under review, the Chamber rendered 81 decisions, including 19 oral decisions in this case.

The Prosecutor v. Elizaphan Ntakirutimana, Gerard Ntakirutimana (ICTR-96-10 & 17-T)

22. On 19 February 2003, the Chamber delivered its judgement in this case. Elizaphan Ntakirutimana, a pastor with the Seventh Day Adventists, was sentenced to 10 years' imprisonment. His son Gérard Ntakirutimana, a doctor at the same Seventh Day Adventist centre, received a sentence of 25 years. This trial commenced on 18 September 2001. Forty-three witnesses were heard over 57 trial days during 14 trial weeks. The parties presented their closing arguments on 21 and 22 August 2002. Both parties have lodged appeals against the judgement.

The Prosecutor v. Eliezer Niyitegeka (ICTR-96-14-T)

23. Following closing arguments by the parties on 27 and 28 February 2003, the Chamber delivered its judgement in this case on 15 May 2003. The accused, a former Minister of Information, was sentenced to imprisonment for the remainder of his life. The Prosecution opened its case on 17 June 2002 and closed its case on 17 October 2002, after 13 witnesses had testified. The Defence opened its case on 21 June 2002 and closed its case on 15 November 2002, after calling 11 witnesses. The trial proceedings lasted 33 days, including two days for closing arguments. A number of trial days were lost due to the non-availability of witnesses from Rwanda. In a decision rendered on 19 June 2002, the Chamber reminded Rwanda of its obligation to facilitate the travel of witnesses. The trial resumed on 13 August 2002, with a prosecution witness from Rwanda taking the stand to testify. During the trial, the Chamber rendered 18 decisions, four of which were oral.

Pre-trial proceedings

24. Apart from the ongoing trials, Trial Chamber I has undertaken pre-trial preparation in eight cases involving 17 accused persons. Sixteen decisions were rendered in the cases of *Prosecutor v. Muhimana*; *Prosecutor v. Nzirorera*; *Prosecutor v. Nchamihigo*; *Prosecutor v. Simba*; and *Prosecutor v. Mpambara* cases. It also conducted the initial appearance in the *Prosecutor v. Renzaho* case.

B. Trial Chamber II

25. Since 30 June 2002, Trial Chamber II has been seized of 11 cases. During the period under review, the following variations with respect to the cases assigned to Trial Chamber II should be noted: the indictment against Leonidas Rusatira was withdrawn on 14 August 2002; Samuel Musabyimana died on 24 January 2003; and the case against accused Tharcisse Renzaho was assigned to the Chamber on 11 April 2003. As of the end of the reporting period, 20 accused stand before the Chamber.

The Prosecutor v. Juvénal Kajelijeli (ICTR-98-44-T)

26. The Defence case commenced on Monday, 16 September 2002. The trial has proceeded in phases from 16 September to 9 October 2002, 18 November to 12

December 2002 and 31 March to 24 April 2003. As of 23 April 2003, 28 defence witnesses were heard. The trial was conducted over 74 days. On 11 April 2003, the Prosecution filed a motion for leave to call rebuttal witnesses, pursuant to Rule 85 (a) (iii) of the Rules of Procedure and Evidence which was denied by the Chamber on 12 May 2003. The oral arguments are scheduled for 14, 15 and 16 July 2003.

27. During the course of the defence case, the Chamber has rendered five substantive oral decisions addressing issues such as the production of prior witness declarations and summaries, the procedure for calling expert witnesses, the admission of expert reports and the direct testimony of an expert, as well as the exclusion of a defence investigator from a consultation with the Registry. The Chamber has also rendered 11 written decisions in this case.

The Prosecutor v. Jean de Dieu Kamuhanda (ICTR-99-54-T)

28. The Defence commenced its case on 19 August 2002 with a Rule 98bis application (Motion for acquittal), which was partially granted. The trial has proceeded in phases from 19 August to 12 September 2002, 13 January to 20 February 2003 and 28 April to 15 May 2003. As of 15 May 2003, 36 defence witnesses were heard. The trial was conducted over 81 days. On 13 May 2003, the Chamber denied the Prosecution motion to call evidence in rebuttal. The closing arguments have been scheduled for 19 to 21 August 2003.

29. During the course of the defence case, the Chamber has rendered seven oral decisions dealing with the following issues: acquittal of Kamuhanda on count 1, conspiracy to commit genocide; subpoena investigators from the Office of the Prosecutor; removal of the protective measures for witnesses; leave to vary the list of defence witnesses; denial of the Prosecution's oral motion for disclosure; and use of witness interview notes during cross-examination of the investigator-author of those notes. The Chamber has also rendered 10 written decisions in this case.

The Prosecutor v. Pauline Nyiramasuhuko and Arsène Shalom Ntahobali (ICTR-97-21-T); Sylvain Nsabimana and Alphonse Nteziryayo (ICTR-97-29A & B-T); Joseph Kanyabashi (ICTR-96-15-T); Elie Ndayambaje (ICTR-96-8-T), referred to as the "Butare case" (ICTR-98-42-T)

30. The trial of the six accused in this case commenced on 12 June 2001. During the period under review, the trial was conducted from 20 May to 27 June 2002, 14 October to 13 November 2002 and 24 February to 27 March 2003. As of 26 March 2003, 23 prosecution witnesses had been heard. The trial was scheduled to resume for a five-week session from 9 June to 10 July 2003. However, as Judge Maqutu was not re-elected and his term of office not extended to enable him to complete the *Butare* case (para. 17 above), the Chamber had to adjourn the session.

31. Consultations were made between the President and the parties in this case, requesting them to indicate whether they would agree to continue the trial with a substitute judge and this resulted in the Prosecution and one accused agreeing to continue the trial with a substitute judge. On 26 June 2003, Judges William H. Sekule and Arlette Ramaroson issued a scheduling order, requiring the parties to present their written submissions by 4 July 2003 on whether or not it is in the interest of justice to continue the trial with a substitute judge under Rule 15bis(D).

32. A significant number of trial days during the period under review, equivalent to a five-week trial session (20 1/2 days) have been lost due to witness unavailability. Moreover, the *Butare* case involves the largest number of accused persons in a joint trial before the Tribunal. Therefore, cross-examination may be lengthy, as each defence team may exercise its right to cross-examine the witness. The Chamber has rendered six substantive oral decisions in this case.

Pre-trial proceedings

33. In the *Prosecutor v. Renzaho* case, the Chamber confirmed the indictment and issued a non-disclosure order in respect of the identifying information in witness statements. In the *Prosecutor v. Kanyarukiga* case, it granted an *ex parte* request for leave to amend the indictment and an *ex parte* request to rescind the non-disclosure order relating to the indictment and warrant of arrest.

34. During the period of review, the Chamber has rendered decisions on six pre-trial motions in the matter of *Prosecutor v. Casimir Bizimungu, Justin Mugenzi, Prosper Mugiraneza and Jérôme Bicamumpaka (ICTR-99-50-T)*; five decisions in the matter of *Prosecutor v. Augustin Ndindiliyimana, François-Xavier Nzuwonemeye, Innocent Sagahutu and Augustin Bizimungu et al. (ICTR-00-56-T)*; two decisions prior to the accused's death in the matter of *Prosecutor v. Samuel Musabyimana (ICTR-01-62-T)*; one decision in the matter of *Prosecutor v. H. Nsengimana (ICTR-01-69-I)*; and two decisions in the matter of *Prosecutor v. P. Bisengimana (ICTR-00-60-I)*.

C. Trial Chamber III

35. During the period under review, Trial Chamber III has been engaged in the trials in three cases involving eight accused persons. The Chamber has rendered 135 decisions on motions, including pre-trial motions, trial motions, motions *in limine litis* and oral applications.

The Prosecutor v. Laurent Semanza (ICTR-97-2-T)

36. On 15 May 2003, the Chamber delivered its judgement in this case, which involves a former Bourgmestre. Over the course of 80 trial days, 24 witnesses, including two expert witnesses, testified for the Prosecution, and 27 witnesses, including the accused, testified for the Defence. The Chamber issued 78 decisions and other orders during the course of the trial. Since the Defence had failed to give notice of its intention to rely on an alibi defence, the Chamber granted leave to the Prosecution to call three additional witnesses in rebuttal. During the period under review, the Chamber rendered 10 decisions (four written decisions and six oral) in the case. The parties submitted their final trial briefs on 12 June 2002 and presented their closing arguments from 17 to 19 June 2002.

The Prosecutor v. André Ntagerura, Emmanuel Bagambiki and Samuel Imanishimwe (ICTR-99-46-T), referred to as the "Cyangugu case"

37. The Chamber anticipates the conclusion of the trial proceedings during the week of 11 August 2003. The Prosecutor completed her case-in-chief after calling 41 witnesses, including one expert and two investigators, over the course of 73 trial days. The three defence teams completed their respective cases on 3 April 2003,

after a total of 83 witnesses, including the accused, had testified over the course of 86 trial days.

38. By a motion filed on 17 April 2003, the Prosecution sought leave to call 11 witnesses in rebuttal of the alibi defence raised by accused persons, Ntagerura and Imanishimwe, during the course of the trial and to impeach what it believes was perjured testimony by two defence witnesses who testified on behalf of the accused Bagambiki. The Chamber denied this motion. The parties are to present their closing arguments at a hearing to be held during the week of 11 August 2003. The Chamber intends to deliver its judgement in this case by the end of December 2003 or early in 2004. The Chamber issued 67 decisions during the period under review.

The Prosecutor v. Theoneste Bagosora, Gratien Kabiligi, Aloys Ntabakuze and Anatole Nsengiyumva (ICTR-98-41-T), referred to as the "Military case"

39. This case involves the trial of four accused who allegedly held high military positions during the events in Rwanda in 1994. The Prosecution presented its opening statements in this case on 2 April 2002. As of December 2002, two prosecution witnesses had been heard over the course of 30 trial days. The two witnesses were an expert witness and a factual witness. One of the judges sitting in the case, Judge Dolenc, was not re-elected. The trial continued on 16 June 2003 before the newly constituted Trial Chamber I (see para. 18 above). As of 30 June 2003, seven prosecution witnesses had testified. Since the commencement of the trial, Trial Chamber III issued over 50 orders and decisions in this case.

40. One of the accused requested the Chamber to order the Registrar to assign a particular attorney to represent him as lead counsel. The Chamber denied the motion and held that an indigent accused does not enjoy an unfettered or unqualified right to have counsel of his choice. This decision may reinforce earlier jurisprudence of this Tribunal and stem the tide of motions by the accused to change their counsel, which delay the trial proceedings and result in considerable financial losses to the Tribunal's legal aid programme.

41. In an effort to streamline the *Military* case trial, Trial Chamber III ordered the Prosecution to issue a final trial witness list and limit the number of witnesses to be called at trial. The Prosecution had proposed to call more than 220 witnesses. In conformity with the Chamber's order, the Prosecutor presented a revised list of 121 witnesses.

42. Finally, the Chamber has issued a decision on the Prosecution's motion for judicial notice. By taking judicial notice of more than 40 factual propositions and documents, the Chamber has obviated the expenditure of valuable time at trial to introduce formal proof of factual matters.

Pre-trial proceedings

43. Apart from ongoing trials, the Chamber has conducted pre-trial activities in five cases involving five accused, namely, *Prosecutor v. Muvunyi (ICTR-2000-55-I)*; *Prosecutor v. Gatete, (ICTR-2000-61-I)*; *Prosecutor v. Gacumbitsi (ICTR-2001-64-I)*; *Prosecutor v. Rukundo (ICTR-2001-70-I)*; and *Prosecutor v. Karera (ICTR-2001-74-I)*. The Chamber has adjudicated numerous motions in these cases. In addition, the Chamber has confirmed indictments, issued related orders and presided over initial appearances in the matter of *Prosecutor v. Augustin Bizimungu (ICTR-2000-*

56-I), Prosecutor v. Jean Baptiste Gatete (ICTR-2000-61-I) and *Prosecutor v. Hategekimana (ICTR-2000-55)*. As duty judges, Judges Ostrovsky and Dolenc have reviewed and rendered three *ex parte* orders and held initial appearances in three cases.

D. The Appeals Chamber

44. During the period under review, the Appeals Chamber delivered two judgements and rendered six decisions on interlocutory appeals, one decision on a miscellaneous motion, 11 decisions on motions in the course of appeals and seven orders. One new appeal from judgement was filed and notices of appeal were filed in two further appeals from judgement.

1. Appeals from judgement

The Prosecutor v. Ignace Bagilishema (ICTR-95-1A-A)

45. On 3 July 2002, following the appeal hearing held at the seat of ICTR in Arusha on 2 July 2002, the Appeals Chamber rendered its judgement orally. Acting unanimously, the Appeals Chamber rejected Bagilishema's claim that the Prosecution's appeal was inadmissible, dismissed the Prosecution's appeal on the merits and thus affirmed the acquittal of Bagilishema on all counts. The Appeals Chamber handed down its written reasons for judgement on 13 December 2002.

The Prosecutor v. Georges Anderson Nderubumwe Rutaganda (ICTR-96-3-A)

46. The hearings on the merits were held on 4 and 5 July 2002 in Arusha. Thereafter, the Appeals Chamber issued orders and decisions in response to requests filed by Rutaganda for disclosure and for the presentation of additional evidence. As a result of these requests, the Appeals Chamber heard one new witness and further submissions on the merits on 28 February 2003 at The Hague. Rutaganda was temporarily transferred to The Hague to attend the hearing and was ordered to be returned to Arusha on 7 April 2003.

47. The Appeals Chamber delivered its judgement on 26 May 2003 in Arusha. The Appeals Chamber quashed the conviction on count 7 of the indictment (Crime against humanity-murder), overturned by a 4-1 majority the acquittal of Rutaganda of counts 4 and 6 of the indictment (murder as a violation of common article 3 of the 1949 Geneva Conventions), and rejected the remainder of Rutaganda's grounds of appeal. The Appeals Chamber confirmed the life sentence imposed by the Trial Chamber.

The Prosecutor v. Elizaphan Ntakirutimana and Gérard Ntakirutimana (ICTR-96-10 & 17-A)

48. Notices of appeal were filed by the parties on 21 March 2003. Appeal briefs were filed by the Prosecutor and the Ntakirutimanas on 23 and 26 June 2003.

The Prosecutor v. Laurent Semanza (ICTR-97-20-A)

49. On 13 June 2003, the Appeals Chamber extended the time for the filing of Semanza's notice of appeal. Furthermore, the Registry was ordered to ensure that

the French translation of the trial judgement be made available and the parties notified of same by 31 August 2003. Both parties filed notices of appeal on 16 June 2003.

The Prosecutor v. Eliézer Niyitegeka (ICTR-96-14-A)

50. Following a motion by Niyitegeka, the Appeals Chamber fixed deadlines for the filing of the notice of appeal and the appeals brief, ordering him to file his notice of appeal no later than 20 June 2003 and his appeal brief by 15 October 2003. The Appeals Chamber also directed the Registry to have the French translation of the trial judgement communicated to the parties no later than 31 August 2003. Niyitegeka filed a notice of appeal on 20 June 2003.

2. Interlocutory appeals

The Prosecutor v. Ferdinand Nahimana (ICTR-96-11-A & ICTR-99-52-A)

51. The Appeals Chamber rendered decisions on 15 October 2002 and 28 March 2003. In the first decision, the Appeals Chamber denied the appellant leave to appeal the decision of Trial Chamber I of 5 September 2002, which denied his request for provisional release. The Appeals Chamber determined that the appellant had failed to demonstrate how the Trial Chamber may have erred in the impugned decision. In the second decision, the Appeals Chamber rejected the appellant's motion seeking a reversal of the decision of Trial Chamber I of 24 January 2003 on expert witnesses to be called and on the scope of testimony to be given by expert witnesses. The Appeals Chamber found that the impugned decision was not subject to interlocutory appeal as of right because the motion was made pursuant to Rule 73 (A).

The Prosecutor v. Jean Mpambara (ICTR-01-65-A)

52. On 25 November 2002, the Appeals Chamber dismissed the motion of the appellant for leave to appeal against the decision of Trial Chamber I, dated 22 October 2001, denying the appellant's request for provisional release. The Appeals Chamber considered that the appellant had failed to demonstrate how the Trial Chamber may have erred in the impugned decision.

The Prosecutor v. Casimir Bizimungu (ICTR-99-50-A)

53. On 13 December 2002, the Appeals Chamber dismissed the Appellant's application for leave to appeal against the decision of Trial Chamber II of 4 November 2002, rejecting his request for provisional release. The Appeals Chamber found that the Appellant had failed to show how the Trial Chamber may have erred in the impugned decision.

The Prosecutor v. Elie Ndayambaje (ICTR-96-8-A)

54. By decision of 10 January 2003, the Appeals Chamber dismissed the request of the appellant for leave to appeal against Trial Chamber's II decision of 21 October 2002 denying provisional release. The Appeals Chamber found that the appellant had not shown that the Trial Chamber may have erred in its assessment of the conditions for ordering provisional release and considered that the Trial Chamber

had rightly taken into account the fact that the trial against the appellant is ongoing and needs to be completed in an orderly manner.

The Prosecutor v. Innocent Sagahutu (ICTR-00-56-A)

55. On 26 March 2003, the Appeals Chamber dismissed the appellant's application for leave to appeal against the decision of Trial Chamber II of 25 September 2002 denying provisional release. The Appeals Chamber noted that the application was untimely but deemed it appropriate to consider its merits. The Appeals Chamber determined that the applicant had failed to show how the Trial Chamber may have erred when it determined that, pursuant to Rule 65(B), no exceptional circumstances existed to justify the granting of provisional release. The Appeals Chamber noted that the word "exceptional" has a sufficiently clear meaning and needs no further definition.

The Prosecutor v. Emmanuel Rukundo (ICTR-01-70-AR72)

56. On 19 March 2003, the Appeals Chamber was seized of an interlocutory appeal by Rukundo against the decision of Trial Chamber III of 26 February denying a preliminary motion challenging the indictment based on lack of jurisdiction. On 28 April 2003, a three-judge bench granted leave to appeal. The matter is pending.

The Prosecutor v. Family Kabuga (Miscellaneous Kabuga Family-01-A)

57. The Appeals Chamber was seized of a motion from the family of Félicien Kabuga, in which it requested the Appeals Chamber, inter alia, to overturn the decision of the Prosecutor of 12 September 2000 and the decision of the President of the Tribunal of 8 February 2001 and to order lifting of provisional measures enacted by the French authorities on the basis of the *demande d'entraide* issued by the Prosecutor. In its decision of 22 November 2002, the Appeals Chamber dismissed the appeal on the basis that neither the statute nor the Rules provide the appellant with such direct recourse to the Appeals Chamber.

58. The Appeals Chamber noted in its decision, however, that the action of the Prosecutor was taken pursuant to a rule made by the judges. Thus, by implication, the judges, through the appropriate mechanism of a Trial Chamber, retain a responsibility to review such actions, particularly where hardship is alleged by a non-party. Consequently, the Appeals Chamber stipulated that the appellant has a right to request judicial review by a Trial Chamber of the decision of 12 September 2000. The Appeals Chamber also held that the appellant was not precluded from seizing the Prosecutor anew for reconsideration of that decision.

III. Office of the Prosecutor

59. During the period under review, the Prosecution has continued to implement its strategy in investigating new cases, preparing cases for trial, conducting trials and conducting appeals proceedings. The Prosecution has paid particular attention to refining its strategy for completing in a timely manner the investigations and prosecutions of the persons bearing the highest level of responsibility for crimes falling within the Tribunal's jurisdiction. In this context, it continuously revises the targets of its current and projected investigations with the aim of fulfilling the Tribunal's mandate. If the Prosecution receives the necessary cooperation, notably

from the States concerned, it expects to finalize the remaining investigations by the end of 2004, and to present all new indictments for confirmation by July 2005.

60. In implementing its completion strategy, the Prosecution has started prosecuting some of the most complex cases involving multiple accused. This has led to a corresponding increase in the resources and efforts devoted to trials, in comparison to investigations. In this context, the new Deputy Prosecutor (para. 12 above) is now based at the seat of the Tribunal in Arusha, where the trials are held, although he frequently visits Rwanda. He is assisted by two senior managers, the Chief of Prosecutions, who coordinates the prosecution strategy and efforts, and the Chief of Investigations, who directs the investigations.

61. As a result of the investigations that have been carried out, a new indictment was confirmed during the period under review. The indictment was for Tharcisse Renzaho, who is now in the Tribunal's custody. Furthermore, three other accused have been arrested since July 2002: Augustin Bizimungu, Jean-Baptiste Gatete and Ildephonse Hategekimana. All of these accused were apprehended in the Democratic Republic of the Congo as a consequence of the efforts of the tracking team, which received crucial assistance from the Government of the United States of America, notably through its Rewards for Justice Program.

62. The period under review has been marked by substantially increased efforts to implement the completion strategy. The investigations have particularly focused on suspects who allegedly held positions of authority in Rwanda, as well as on persons who were allegedly involved in particularly grave crimes, including rape and other sexual assaults. The Prosecution teams have tried nine different cases involving 21 accused and have completed the prosecutions of seven of these cases. The Office of the Prosecutor has lodged an appeal in the *Ntakirutimana* case and has also been engaged in proceedings before the Appeals Chamber in the *Bagilishema* and *Rutaganda* cases.

63. With the election of ad litem judges, the Office has undertaken internal reforms to increase its trial capacity to the level of prosecuting up to six different cases each day. The Prosecution is now satisfied that its restructured office will be in a position to do so, but remains concerned about the prospects of obtaining the timely appearance of all prosecution witnesses. In the first place, it will be crucial for ICTR to obtain adequate facilities and support by States to host all prosecution witnesses, in particular insider witnesses, who have special needs in terms of protection and possible relocation. Secondly, it is hoped that the Government of Rwanda will facilitate timely access to prosecution witnesses to ensure their appearance in court when needed. In this respect, the Prosecutor and the Deputy-Prosecutor have maintained a constant dialogue with representatives of the Government of Rwanda and also with associations representing Rwandan victims. The Prosecutor has continued to stress the importance of informing the Rwandan people, especially the victims of crimes over which ICTR has jurisdiction, of the work of ICTR.

IV. The Registry

A. Office of the Registrar

64. Ensuring the full cooperation of States whenever required, obtaining their support and improving the visibility of the Tribunal remain particularly important components of the Registrar's daily activities. In this regard, the missions undertaken in 2002 by the Registrar in the Democratic Republic of the Congo, as well as in the Congo, have proved effective. These missions have facilitated the arrest and transfer to ICTR of high profile accused persons hiding in these respective countries. In March 2003, the Registrar signed an agreement on the enforcement of sentences with France. It is to be hoped that a similar agreement with Italy will follow soon.

65. The Registrar has emphasized his support for the United States Government's Rewards for Justice Program and has held working sessions and press briefings with the United States Ambassador-at-Large for War Crimes Issues. The Registrar has also paid visits to authorities of countries in the Great Lakes region where key suspects and accused are believed to be hiding.

66. In seeking the support of States and other institutions, the Registrar has undertaken different missions, leading him to numerous destinations, including Nairobi, Dar-es-Salaam, Durban, The Hague, Geneva, Addis Ababa and Kigali. Each visit has afforded an opportunity to promote greater awareness of the Tribunal and its activities. In this regard, it is noteworthy to mention the Registrar's initiative for the African Union to issue a resolution calling for, inter alia, greater support for the reconciliation process in Rwanda and the establishment of a special fund for victims of the genocide in Rwanda. Time did not permit the adoption of this resolution at the Summit of the African Union, held in Durban, South Africa, in 2002. ICTR has, however, maintained close contacts with States that have agreed to sponsor and endorse a draft resolution to be submitted during the next meeting of the African Union. With regard to cooperation between ICTR and the Rwandan Government, the Registrar's visit to Rwanda in March 2003 opened new avenues for engaging the interest and support of the local population in the work of ICTR. While in Rwanda, the Registrar visited the Rwandan Parliament, the National Commission for Reconciliation and Unity, a school in Nyange, the Kibuye Prefecture, the Centre for Reconciliation at Butare University, the Centre for Conflict Prevention, the National Centre for Judicial Training and various genocide sites, as well as meeting with representatives of the Rwandan Bar Association. This visit is indicative of the Registrar's new initiative to promote knowledge and awareness about the work of the Tribunal at the grass-roots level. This new momentum will be maintained not only in Rwanda but also in the Great Lakes region during the remainder of the biennium 2002-2004 and in the succeeding years to promote the various legacies of ICTR. The Tribunal has welcomed a delegation of Rwandan lawyers led by the chairman of the Rwandan Bar Association. It is expected that members of the national Parliament, and Rwandan Prosecutors and other authorities will soon be visiting ICTR.

67. The Registrar has given full consideration to enhancing the cooperation between the two ad hoc Tribunals. Following an exchange of visits between ICTY and ICTR, the Registrars of the two ad hoc Tribunals have identified areas and means of cooperation between the two legal institutions. In this vein, a grant

agreement for funding, executed between ICTY and the Commission of the European Communities on 6 June 2002, also provides for funding inter-Tribunal cooperation projects. The implementation of a joint communication project is also well under way and soon it will be possible for the two Tribunals to follow each other's proceedings in real time.

1. Press and Public Affairs Unit

68. The Tribunal continues to provide information to the Rwandan public, in particular, through its outreach programme to Rwanda. Information is relayed through facilitating the permanent stationing of a Radio Rwanda journalist in Arusha, hosting groups of Rwandan journalists, organizing workshops in Rwanda, working closely with Rwandan NGOs and distributing various public documents in French, English and Kinyarwanda throughout the country. ICTR also houses at its premises some 15 journalists reporting on its work on a daily basis. The ICTR Information Centre in Kigali, *Umusanzu mu Bwiyunge* ("Contribution to reconciliation"), also continues to receive a wide range of visitors each day, including students, journalists, civil servants, judges and lawyers, as well as ordinary citizens. ICTR has organized exhibitions and workshops in the towns of Kigali, Dar-es-Salaam, Arusha, Moshi and Nairobi during the period under discussion. A major exhibition and presentation on the work of ICTR was also held in Geneva for the international community.

69. The media representation and distribution list has expanded to include more than 3,000 individuals and organizations, an indication that the Tribunal's work is being published and broadcast all over the world. Apart from brochures, newsletters, posters, booklets and press releases distributed by the Tribunal, a special film on the work of the Tribunal, "*Justice Today, Peace Tomorrow*", has been produced in three languages: Kinyarwanda, English and French. The film, which features the achievements of ICTR, is now being distributed to various local and international television stations, universities, NGOs and individuals.

2. Gender Issues and Assistance to Victims Programme

70. The Registrar has reformulated the Gender Issues and Assistance to Victims Programme in conformance with the ICTR mandate and the rules and regulations of the United Nations. To this end, he has approved the establishment of a witnesses assistance programme, within the purview of the ICTR's Witnesses and Victims Support Unit, to improve access to medical care, as well as psychological and legal counselling for victims who are witnesses appearing before ICTR. The programme's projects will be largely funded from the Trust Fund.

71. As part of the restructuring process, and as a means of ensuring sustainable rehabilitation of witnesses and victims, after the expiration of the Tribunal's mandate, the Registrar hosted a meeting in Kigali on 1 March 2002. Members of the international community in Rwanda, representatives of the Rwandan Government and individuals from survivors' organizations met to establish a working group on assistance to victims.

72. The proposal for assistance to victims of the 1994 Rwandan genocide involves the creation of an advisory group composed of members of the Rwandan Government, international NGOs, diplomatic delegations, the European Union and survivors' associations. The advisory group will work to identify victims' needs and

to coordinate with organizations at the regional level. ICTR will cooperate, in an advisory position, with institutions called on to provide means for rehabilitation and assistance. ICTR, along with other members of the advisory group, will fund raise and advocate for assistance and support for victims.

3. The Library

73. The Library has continued to produce, disseminate and make available on the ICTR Library web page the quarterly bibliographies. Through the Selective Dissemination of Information (SDI) system, Library users have received information, pursuant to their requests, by e-mails or by printouts. Lists of new acquisitions have also been distributed on a regular basis. In addition, the Library has embarked on the updating of the bilingual CD-Rom, *Basic Documents and Case Law*, covering the period 2001-2002. ICTR online databases include West Law, Lexis-Nexis, the Official Document System of the United Nations (ODS) and Proquest. New electronic products, acquired through the United Nations Consortium of Libraries, are accessible to all staff on the Library's web page.

B. Judicial and Legal Services Division

1. Court Management Section

74. The Section's three coordination teams have continued to facilitate the simultaneous functioning of the three Trial Chambers. The ongoing standardization of judicial procedures and practices has strengthened the Sections' ability to support the Chambers. The publication of the *Daily Journal*, chronicling the judicial activities of the Tribunal, has been maintained. Transcript accuracy and speed of transcript production have improved and different training courses have been organized to improve the skills of the court reporters.

2. Witness and Victims Support Section

75. *Defence witnesses*: 270 witnesses were brought from 27 countries. Of these witnesses, 32 per cent came from Europe, 9 per cent from Rwanda and 59 per cent from other African countries. Countries such as France, Norway and Belgium have provided special escort services to ICTR, which have greatly facilitated the international movement of witnesses to and from Arusha. The Registrar continues to pursue this issue to reduce to a minimum the formalities required for witnesses flying to Arusha. Achieving this goal would provide more protection to vulnerable witnesses, who would no longer need to reveal their identities to a large number of people when seeking clearance from Rwandan authorities. Contacts with Rwandan authorities have been maintained and the Registrar, during his last visit to Rwanda, obtained the commitment of the Rwandan authorities to follow a viable modus operandi for the movement of witnesses to ICTR.

76. *Prosecution witnesses*: 41 Prosecution witnesses were brought to testify in five trials. All three Trial Chambers have been hearing defence cases for more than half of the judicial year. This has, in effect, reduced by more than half the number of prosecution witnesses that were called to testify in the previous year. The Section has also redacted the transcripts of all prosecution witnesses before the transcripts are made public to avoid unveiling sensitive evidence elicited in closed sessions. A

total of 1,120 transcripts, consisting of 169,433 pages of text, have been edited for publication.

3. Defence Counsel Management Section

77. During the period under review, 18 counsel have been assigned to represent indigent accused persons. This brings the number of counsel currently assigned by ICTR to 90. These counsel come from eight different countries. The Section has faced several challenges during the period under review, including the rationalization of the legal aid scheme for indigent accused in the light of concerns expressed by Member States about rising costs, support for defence teams, maintenance of an appropriate, effective regime for the Tribunal Detention Facility and investigations of detainees' claims of indigence.

78. The Section has had to balance the reality of budget constraints against the need to avoid prejudice to indigent accused persons. In this regard, the Review Panel on the ICTR legal aid scheme, which had been set up by the Registrar, came to the conclusion that there was a need to benefit from the experience of external experts in the area of fees assessment before making a final determination about the new system of payment to be established, including the establishment of a clear, workable definition of "indigence", and to review and design an improved system of payment of defence team members under the Tribunal's legal aid programme. An expert from the United Kingdom has studied the situation at ICTR and is expected to submit a report soon. It is also expected that the new system devised will assist in making defence fees and expenses more predictable as well as easier to budget and justify. Pending implementation of a new system of payment, interim measures have been put in place, with a view to reducing expenses of the legal aid programme. Indeed, since late 2002, it has been decided to concentrate assistance on trials in progress and to ensure that only necessary pre-trial work is approved for cases whose trial commencement date has not yet been established. In addition, defence teams are requested to submit a plan of action for the pre-trial stage of their cases prior to approval of their travel requests. Lastly, a more vigorous assessment of the time spent on activities billed by defence team members is in force. There is considerable resistance, including objection on grounds of principle, from defence counsel to the new modus operandi of the Section. It is hoped that the external consultancy will suggest a resolution acceptable to all.

4. Languages and Conference Services Section

79. Following an in-house training course the Languages and Conference Services Section now provides simultaneous interpretation into and from Kinyarwanda to all ICTR Trial Chambers. As mentioned above (para. 4), this procedure represents savings of at least 25 per cent of the court's time.

C. United Nations Detention Facilities

80. During the reporting period, the United Nations Detention Facility has housed 52 detainees and four detained witnesses. One detainee died on 24 January 2003. Among these detainees, one has been admitted in August 2002, two in September 2002 and one in February 2003. The United Nations Detention Facilities admitted

12 detained witnesses from Rwanda and one from Mali. Certain projects have been undertaken to improve the facilities within the Detention Unit.

D. Division of Administration

81. As of 31 March 2003, the Tribunal had a total incumbency of 818 staff members against 949 authorized posts. There are 131 vacancies, which means that there is a vacancy rate of 14 per cent. Effective 1 June 2003, the General Assembly has approved 32 additional posts for the ad litem judges[2]. This brings the authorized staffing capacity of ICTR to 981 posts. At the end of the reporting period, all the vacant posts were at an advanced stage in the recruitment process. In terms of geographical diversity, a total of 86 countries were represented in the ICTR's staffing — 40 countries from outside Africa and 46 from the continent. With regard to gender representation at the professional level, ICTR had a total of 299 professionals, 83 female and 216 male staff members. At the P-5 level and above, five out of 27 staff are female, amounting to 18 per cent of the incumbency of those posts. Unfortunately, the Tribunal continues to experience a high rate of turnover and attrition as a result of resignations, transfers, non-extension of contracts, retirement and other natural causes.

82. During the reporting period, 194 interns from 32 countries have attended the ICTR internship programme. ICTR has sponsored 39 interns through the trust fund, while the Center for Human Rights at Notre Dame University in Louisiana, United States of America, has sponsored 13 interns through an Open Society Grant, with the University of Pretoria sponsoring one intern from the United Republic of Tanzania. A total of 141 interns were self-sponsored.

83. In 2002, the Building Management Services (BMS) upgraded the detention facilities, including by modifying all existing cells to have individual ablution and improving storage facilities. Twenty-nine new cells for witnesses and detainees were built to upgraded specification and additional lawyers' booths were built, bringing the total to 20. A second family visiting room is being completed and a gymnasium is planned for mid-2003. In addition, six detainee holding cells with an ablution unit have been constructed in the vicinity of the three current courtrooms at ICTR. In addition, a highly secured fire-proof evidence unit for the Prosecution, as well as a secure access route to ICTR building for the judges, the Registrar, detainees and witnesses have been provided in the course of the year.

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84. The three organs of the International Criminal Tribunal for Rwanda acknowledge the support and assistance rendered to the Tribunal by the Secretary-General of the United Nations, Kofi Annan, and express appreciation to Member States for their continuing interest and support of the Tribunal in all its activities.

Notes

[1] In the *Cyangugu Case*, involving three accused, the Chamber expects to deliver its judgement by the end of December 2003 or early in 2004.

[2] See letter of 9 July 2001 from the then President of the Tribunal, Judge Navanethem Pillay, to the Secretary-General. Security Council resolution 1329 (2000) established a pool of ad litem judges for the International Tribunal for the former Yugoslavia.

[3] See letter of 26 March 2003 from the then President of the ICTR, Judge Pillay, to the Secretary-General, and Security Council resolution 1482 (2003) of 19 May 2003.